The opinion in support of the decision being entered today is <u>not</u> binding precedent of the Board.



Filed by: Interference Trial Section Merits Panel

Box Interference Washington, D.C. 20231

Tel: 703-308-9797 Fax: 703-305-0942 Filed: 29 March 2004

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

FAXED

AMGEN, INC. (Glen F. Pierce, Regina M. Housley and Charles F. Morris), Junior Party (Patent 5,814,605),

MAR 2 9 2004

PAT. & T.M. OFFICE BOARD OF PATENT APPEALS AND INTERFERENCES

٧.

THE UNITED STATES OF AMERICA,
as Represented by the Secretary of the Department of Health and Human Services
(Jeffrey S. Rubin, Paul W. Finch and Stuart A. Aaronson),
Senior Party
(Application 08/477,983).

Patent Interference No. 105,199

JUDGMENT - RULE 662

Before: SCHAFER, TORCZON and LANE, Administrative Patent Judges.

SCHAFER, Administrative Patent Judge.

Amgen, Inc. has filed a paper requesting entry of an adverse judgment in this interference under 37 CFR § 1.662(a). Paper 17. Accordingly, it is

ORDERED that judgment on priority as to the subject matter of Count 1 (Paper 1, p. 4), is awarded against the junior party, AMGEN, INC.;

FURTHER ORDERED that junior party, AMGEN, INC., is not entitled to a patent containing claims 1-5 (corresponding to Count 1) of Patent 5,814,605;

FURTHER ORDERED that a copy of this judgment be made of record in the file of Patent 5,814,605; and Application 08/477,983;

FURTHER ORDERED that if there is any settlement agreement which has not been filed, attention is directed to 35 U.S.C. § 135(c) and 37 CFR § 1.661.

RICHARD E. SCHAFER

Administrative Patent Judge

) BOARD OF PATENT

RICHARD TORCZÓN

Administrative Patent Judge

APPEALS AND INTERFERENCES

SALLY GARDNER LANE

Administrative Patent Judge

cc (via Fax):

Attorney for AMGEN INC.:

Michael F. Borun MARSHALL, GERSTEIN & BORUN LLP 6300 Sears Tower 233 South Wacker Drive Chicago, IL 60606-6357

Tel: 312-474-6300 Fax: 312-474-0448

Attorney for THE UNITED STATES OF AMERICA:

Patricia D. Granados
HELLER EHRMAN WHITE &
McAULIFFE
1666 K Street, N.W.
Suite 300
Washington, DC 20006-1228

Tel: 202-912-2142 Fax: 202-912-2020

INTERFERENCE DIGEST

Interference No. 105,199	Paper No. 51
Name: Jeffrey S. Rubin et al.	
Serial No.: 08/477,983	Patent No.
Title: DNA encoding a growth factor	
Filed: 06/07/95	
Interference with Pierce et al.	
DECISION OF	N MOTIONS
Administrative Patent Judge,	Dated,
·	
FINAL DE Board of Patent Appeals and Interferences	_
Court,	Dated,
REMA	ARKS

This should be placed in each application or patent involved in interference in addition to the interference letters.